

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
97 MAY 21 AM 8:05
U.S. DISTRICT COURT
N.D. OF ALABAMA

NATHANIEL BARNES, JR.,

Petitioner,

vs

WARDEN LEONEAL DAVIS, et al,

Respondent(s).

CIVIL ACTION NO. 96-C-1450-S


ENTERED

MAY 21 1997

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and the objections of the petitioner and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accord with the recommendation, this petition for writ of habeas corpus is due to be dismissed without prejudice. The petitioner's motion to hold this case in abeyance is due to be denied. An appropriate order will be entered.

DONE, this 20th day of May, 1997.



U. W. CLEMON,
UNITED STATES DISTRICT JUDGE